

*McMaster*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
JUAN CABRERA,

**Plaintiff,**

v.

BOSTON SCIENTIFIC CORPORATION,

**Defendant.**  
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x

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Case No. 07-CIV-9935 (CM)(AJP)

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x

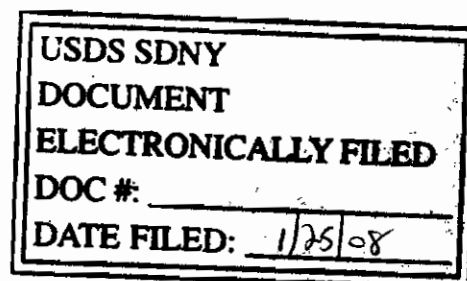
**STIPULATION AND PROPOSED ORDER STAYING PROCEEDINGS**

Plaintiff Juan Cabrera and Defendant Boston Scientific Corporation ("BSC"), by and through their undersigned counsel, hereby stipulate to the following:

1. This is a products liability action in which Plaintiff alleges that he was injured by the TAXUS™ Express2™ Paclitaxel-Eluting Coronary Stent System, a medical device manufactured by BSC.

2. Currently pending before the Supreme Court of the United States is the matter of *Riegel v. Medtronic, Inc.*, No. 06-179, in which the Court will consider whether the express preemption provision of the Medical Device Amendments to the Food, Drug, and Cosmetic Act, 21 U.S.C. § 360k(a), preempts state-law claims seeking damages for injuries caused by medical devices that received premarket approval from the Food and Drug Administration.


3. Accordingly, the parties agree that this action should be stayed pending resolution of the *Riegel* case by the Supreme Court.



Dated: January 24, 2008  
New York, New York

Respectfully submitted,

**KAYE SCHOLER LLP**

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*Attorneys for Defendant*

**BONINA & BONINA, P.C.**

By: \_\_\_\_\_  
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(718) 522-1786

*Attorneys for Plaintiff*

SO ORDERED: 25 Jan, 2008

  
Hon. Colleen McMahon  
United States District Judge

Dated: January 24, 2008  
New York, New York

Respectfully submitted,

**KAYE SCHOLER LLP**

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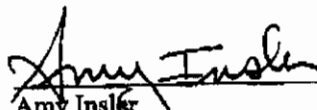
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SO ORDERED: \_\_\_\_\_, 2008

Hon. Colleen McMahon  
United States District Judge